

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014090938

ORDER GRANTING STUDENT'S
MOTION TO AMEND COMPLAINT
AND VACATING PREHEARING
CONFERENCE AND HEARING
DATES

On September 24, 2014, Student filed a Due Process Hearing Request (Complaint), naming District, alleging that District denied Student a free appropriate public education by failing to offer Student a therapeutic residential placement during the 2012-2013 and 2013-2014 school years. On January 16, 2015, Student filed a motion to amend the Complaint to add allegations that District at a November 3, 2014 individualized education program meeting improperly denied Student's request for a residential placement for the remainder of the 2014-2015 school year.

District filed no response to Student's motion to amend, which was denied without prejudice on February 2, 2015 on grounds that an amendment, which would lead to a delay of the existing hearing date, was not appropriate, because Student waited for over two months after the November 3, 2014 IEP meeting before filing the motion to amend. Further, Student had agreed on November 4, 2014 to continue the mediation and due process hearing, and thereafter cancelled the mediation on January 16, 2015.

Following the denial of Student's unilateral motion, Student and District on February 5, 2015 jointly filed a Stipulation of the Parties to amend Student's Complaint to include issues arising from IEP team meetings convened on November 3, 2014, and November 20, 2014. A copy of Student's First Amended Request for Due Process Hearing and Mediation (Amended Complaint) was filed with the Stipulation.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Here, District has consented in writing to the filing of Student's Amended Complaint. The amended complaint shall be deemed filed on the date of this order. The existing

prehearing and hearing dates are vacated and all applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED

DATE: February 09, 2015

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings